

April 23, 2018

VIA FOIAONLINE. REGULATIONS.GOV  
U.S. Environmental Protection Agency  
National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
Phone: (202) 566-1667  
Fax: (202) 566-2147

**Re: Freedom of Information Act Request: Calendars and travel vouchers for Seniors Adviser Kelly and Wagner and AA Konkus**

Dear National Freedom of Information Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552(FOIA), Friends of the Earth (FOE) hereby requests the following records from the Headquarters of the U.S. Environmental Protection Agency (EPA).

**I. Requested Records**

- Records of Assistant Administrator John Konkus' schedule of meetings with outside parties from 1 January 2017 to 20 April 2018 that includes the persons with whom the Assistant Administrator met, their organizational affiliations, and the topics discussed.
- Records of Senior Advisor Albert Kelly's schedule of meetings with outside parties from his 1 January 2017 to 20 April 2018 that includes the persons with whom the Mr. Kelly met, their organizational affiliations, and the topics discussed.
- Records of Senior Advisor Kenneth Wagner's schedule of meetings with outside parties from his 1 January 2017 to 20 April 2018 that includes the persons with whom the Mr. Kelly met, their organizational affiliations, and the topics discussed.
- Records of Assistant Administrator Konkus', Senior Advisor Albert Kelly's, and Senior Advisor Kenneth Wagner's travel vouchers, including records of payments made and/or pending claims for reimbursement, from 1 January 2017 to 20 April 2018.

**II. Key Terms Defined**

For the purposes of this request, the term "outside parties" includes any person who is not an employee of the federal government.

The request for "meetings" includes information that indicate the date, time, location, topic, and host organization for any speeches or other presentations by the Assistant Administrator Konkus at locations outside the offices of EPA or other federal buildings.

### **III. Format of Records**

EPA has provided records of (1) Administrator Pruitt's calendar from February 21 through May 18, 2017 and (2) Administrator Pruitt's travel vouchers from March 1 through May 31, 2017, in response to a separate May 18 FOIA request submitted by the Environmental Integrity Project (EIP) (EPA-HQ-2017-007486).

Friends of the Earth will accept disclosure of Assistant Administrator Konkus', Mr. Kelly's, and Mr. Wagner's schedules of meetings with outside parties in a format similar to the records of the Administrator's calendar provided in EPA's earlier response to EIP. Friends of the Earth will also accept disclosure of Assistant Administrator Konkus', Mr. Kelly's, and Mr. Wagner's travel vouchers in the same or similar format as the travel vouchers provided to EIP.

### **IV. Claims of Exemption from Disclosure**

If you regard any documents as exempt from required disclosure under FOIA, please exercise your discretion to disclose them nevertheless, keeping in mind that FOIA "is the most prominent expression of a profound national commitment to ensuring an open Government" and that "[a]ll agencies should adopt a presumption in favor of disclosure." President Barack Obama, Memorandum For the Heads of Executive Departments and Agencies: Freedom of Information Act, 74 Fed. Reg. 4, 863 (Jan. 26, 2009).

In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non-exempt portions of records and communications as required by FOIA.

Should you elect to invoke an exemption, please provide the required full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal EPA's decision. In accordance with the minimum requirements and regulations of due process, this information should include:

- I. Basic factual material, including the originator, date, length, and addresses of the withheld items.
- II. Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

### **V. Fee waiver**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. § 2.107(l), FOE requests a fee waiver for all costs associated with this request. Friends of the Earth is a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code. By definition we have no commercial interest in any of the data requested.

In addition, the records sought by FOR will be published and used to contribute significantly to public understanding of the operations and activities within the EPA. The calendar of Albert Kelly stands to offer

additional insight into the Administrator's review of the superfund program, its priorities, and the external stakeholders who may have helped to influence it. Similarly, the calendar of Assistant Administrator Konkus stands to offer new insight into the priorities driving changes to the agency's competitive grants program.

**VI. Requests for Clarification**

Lastly, if any part of this request can be clarified, I urge you to contact me directly over either phone or email.

Thank you,

Lukas Ross  
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Friends of the Earth  
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